

SUBJECT: Revising social studies curriculum, requiring civics training for educators

COMMITTEE: Public Education — favorable, without amendment

VOTE: 7 ayes — Lozano, Allison, K. Bell, Buckley, Huberty, K. King,  
VanDeaver

5 nays — Dutton, Allen, Bernal, M. González, Talarico

1 absent — Meza

SENATE VOTE: On final passage, August 11 — 18-11 (Alvarado, Blanco, Eckhardt,  
Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini)

WITNESSES: No public hearing.

BACKGROUND: HB 3979 by Toth, enacted during the regular session of the 87th  
Legislature and effective September 1, adds requirements for certain  
topics to be included in the public school social studies curriculum. The  
bill prohibits requirements for teacher training on certain matters and  
prohibits grade or course credit from being awarded for certain activities.

DIGEST: SB 3 would revise requirements for civics and social studies curriculum  
and instruction. It would prohibit for all grades and courses inculcation in  
certain concepts and prohibit the awarding of credit for certain student  
activities. The bill would create a civics training program for teachers and  
administrators. Provisions added by HB 3979 during the regular session  
would be repealed.

**Social studies.** The bill would require the State Board of Education  
(SBOE) to adopt essential knowledge and skills for the social studies  
curriculum for each grade level from kindergarten through grade 12 that  
develop each student's civic knowledge, including an understanding of:

- the fundamental moral, political, entrepreneurial, and intellectual  
foundations of the American experiment in self-government;

- the history, qualities, traditions, and features of civic engagement in the United States;
- the structure, function, and processes of government institutions at the federal, state, and local levels; and
- the founding documents of the United States.

The essential knowledge and skills would have to develop each student's ability to:

- analyze and determine the reliability of information sources;
- formulate and articulate reasoned positions;
- understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
- actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
- participate as a citizen in a constitutional democracy by voting.

The essential knowledge and skills would have to develop each student's appreciation of:

- the importance and responsibility of participating in civic life;
- a commitment to the United States and its form of government, and
- a commitment to free speech and civil discourse.

The Texas Education Agency (TEA) would have to ensure that each district and charter school taught civics education as part of the district's social studies curriculum in a manner consistent with the bill's requirements. Nothing in the bill's curriculum requirements could be construed as limiting the teaching of or instruction in the essential knowledge and skills.

SBOE would have to review and revise, as needed, the essential knowledge and skills of the social studies curriculum not later than December 31, 2022.

**Instructional requirements, prohibitions.** SB 3 includes certain instructional requirements and prohibitions for any course or subject, including an innovative course, for a grade level from kindergarten through grade 12.

*Current events.* A teacher could not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs. A teacher who chose to discuss such a topic would have to strive to explore that topic from diverse and contending perspectives without giving deference to any one perspective.

*Student activities.* A school district, charter school, or teacher could not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

- work for, affiliation with, or service learning in association with any organization engaged in lobbying for legislation at the federal, state, or local level, or in social policy advocacy or public policy advocacy;
- political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
- participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

Those prohibitions would not apply to a student's participation in certain community charitable projects or an internship or practicum for which the student received course credit under the P-TECH program and that did not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy.

*Instructional prohibitions.* A teacher, administrator, or other employee of a state agency, school district, or charter school could not require or make part of a course inculcation in the concept that:

- one race or sex is inherently superior to another race or sex;
- an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
- an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
- the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
- with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a state agency, school district, or charter school could not teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or charter school to adopt the listed concepts or require an understanding of the 1619 Project.

A school district or charter school could not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for discussing the concepts addressed in the bill or have a chilling effect on student discussions involving those concepts. Nothing in the bill's provisions could be construed as limiting the teaching of or instruction in the essential knowledge and skills.

*Private funding.* A state agency, school district, or charter school could not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development related to the bill's instructional requirements and prohibitions.

**Instructional materials.** Each school district and charter school that used a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials to students would have to provide login credentials to the system or portal to each student's parent.

**Civics training.** To facilitate the teaching of curriculum consistent with the bill's requirements, the education commissioner would have to develop and make available civics training programs for teachers and administrators. The requirements of the civics training program would have to include training in:

- the essential knowledge and skills for the social studies curriculum related to the civic knowledge requirements of SB 3;
- guided classroom discussion of current events, as appropriate for the grade level and consistent with the bill's restrictions on prohibited concepts;
- classroom simulations and models of governmental and democratic processes consistent with the requirements and restrictions in the bill;
- media literacy, including instruction on verifying information and sources, identifying and responding to logical fallacies, and identifying propaganda, as appropriate for the grade level and consistent with the bill's restrictions; and
- strategies for incorporating civics instruction into subject areas other than social studies.

The education commissioner by rule would have to establish the grade levels at which a teacher provided instruction to be eligible to participate in a civics training program. The program would have to be reviewed

annually and approved by SBOE. Each school district and charter school would have to have at least one teacher and one principal or campus instructional leader who had attended a civics training program. TEA would have to provide assistance in complying with the training requirement. A teacher could receive a stipend for the training.

The commissioner could delay implementation of the training requirements to a school year not later than the 2025-2026 school year if the revision of the essential knowledge and skills for the social studies curriculum or the availability of civics training programs did not occur in a manner that reasonably afforded public schools the ability to comply with the training by an earlier school year.

Nothing in the training program requirements could be construed as limiting the teaching of or instruction in the essential knowledge and skills.

The bill would apply beginning with the 2022-2023 school year. It includes a severability clause stating that if any provision of the bill or its application to any person or circumstance were held invalid, the invalidity would not affect other provisions or applications that could be given effect without the invalid provision or application.

The bill would take effect on the first day that occurred after August 31, 2021, and is on or after the earliest date on which it could take effect, if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect 91 days after the last day of the legislative session.

**SUPPORTERS  
SAY:**

SB 3 would improve the teaching of civics and social studies in public schools by focusing lessons on the moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government. This would give students a strong and balanced foundation to understand history and navigate current events. The bill also would improve students' ability to evaluate complex issues and sources of information by better training educators to facilitate classroom discussions, and it would prevent

certain kinds of instruction on divisive concepts.

**Classroom discussions.** The bill would create a needed civics training program for educators to help them guide appropriate classroom discussions of current events and instruct students on media literacy. It would prohibit inculcation in certain divisive concepts under an academic framework known as "critical race theory." SB 3 would ensure that students in Texas public schools learned the good and bad of American history while understanding that their future is not determined by the color of their skin.

**Social studies.** The bill would improve on HB 3979 by Toth, which passed during the regular session, by replacing a lengthy list of required teachings about American and Texas history with a broad framework of curriculum requirements. It would leave specific details about the social studies curriculum to the State Board of Education, which has a longstanding process for revising the Texas Essential Knowledge and Skills with input from educators and the public.

While some say SB 3 would remove important instructional requirements that were included in HB 3979, many of those topics are included in the current social studies curriculum and are likely to remain so in the revised curriculum. The bill simply would ensure that students examined issues such as slavery and segregation as contradictions of America's founding principles of liberty and equality and learn how the nation has advanced toward more equitable treatment of all groups in the United States.

**Instructional prohibitions.** SB 3 would apply to all courses in kindergarten through grade 12 the prohibition on inculcation of certain concepts. This would prevent teachers at any grade level or any subject from advancing a false narrative that America is a hopelessly racist society. This narrative can have negative effects on all students, who may feel distress or feel the role of oppressor or victim being imposed upon them based on their race. Instead of dividing students on this basis, SB 3 would help foster their unity as Americans dedicated to a democracy founded on a vision of liberty and equality.

The bill would not prevent teaching about racial discrimination, slavery, or segregation. It would, however, prevent teaching that could contribute to racial disharmony, such as the notion that one race is inherently superior to another or that an individual bears responsibility for past actions by other members of the same race or sex.

**Student activities.** The bill would ensure that educators did not push a political ideology or require student involvement with organizations that promote specific public policy advocacy by awarding students credit for certain activities. Young Texans would still be able to visit the Capitol and be engaged with public policy on their own initiative. This would ensure that a student's engagement on public policy appropriately was made in conjunction with the student's family. Students still could engage in nonpartisan, community-based projects as part of their classes.

**Civics training.** The bill would create a civics training program for public school teachers and administrators to improve instruction on the social studies curriculum, similar to programs to improve math and reading instruction through subject-specific training academies. This training would ensure that teachers could engage their students in classroom discussions that were appropriate for the grade level and consistent with the bill's requirements and prohibitions.

CRITICS  
SAY:

SB 3 is unnecessary legislation that could have a chilling effect on important classroom discussions about current and historical events. There is little evidence of teachers bringing the college-level concept of "critical race theory" to the state's K-12 classrooms, but the bill could hamper the efforts of educators to teach public school students, including those from diverse backgrounds, to critically weigh multiple perspectives.

**Classroom discussions.** By limiting teachers' ability to discuss the nation's history of racial oppression, the bill could restrict discussion by students and teachers of the impact of past and current events on their lives and communities. Such instruction, while potentially uncomfortable for some students, could lead to broader understanding of the lingering



effects of past actions and how to better address those effects in the current day.

A teacher could feel inhibited in discussing a current event or controversial public policy issue because of the bill's requirement that the teacher explore multiple perspectives without giving deference to any one perspective, making it unnecessarily difficult to discuss certain events, such as those that may stem from racial conflict. The bill could deprive Texas students and teachers of the confidence to have critical conversations in the classroom and could leave students less prepared for college studies.

**Social studies.** By not requiring in statute that students study certain historically underrepresented individuals, the bill would miss an opportunity to encourage students to understand their shared place in America, particularly students from those historically underrepresented groups who comprise the majority of students in Texas.

**Instructional prohibitions.** The broad topics that would be prohibited by SB 3 include those that are part of standard diversity, equity, and inclusion training in schools, businesses, and government entities, and prohibiting such discussion in the classroom could shut down important conversations about history and current events. SB 3 could give students the false impression that racial discrimination and white supremacy were limited to historical events such as slavery and the Ku Klux Klan, rather than acknowledging that their legacy exists today and that students should be educationally prepared to grapple with it.

**Student activities.** The bill could limit enriching student activities related to political activism, even as those activities have been shown to prepare students to become informed and active citizens.

**NOTES:**

According to the Legislative Budget Board, the bill would have a negative impact of about \$14.6 million to general revenue through fiscal 2023. HB 5 by Bonnen, which was passed by the House on second reading on Sept. 1, would appropriate \$14.6 million in general revenue to the Texas

Education Agency for fiscal 2022-23 to implement certain instructional requirements and prohibitions, contingent on enactment of SB 3 or similar legislation.